

MESSAGE NO: 5082301 MESSAGE DATE: 03/23/2015

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: ADRV-Administrative Review

FR CITE: 80 FR 9694 FR CITE DATE: 02/24/2015

REFERENCE 4100308, 5069302
MESSAGE #
(s):

CASE #(s): A-412-201

EFFECTIVE DATE: 02/24/2015 COURT CASE #:

PERIOD OF REVIEW: 05/01/2010 TO 04/30/2011

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for ball bearings and parts thereof from the United Kingdom produced and/or exported by Bayerische Motoren Werke AG for the period 05/01/2010 through 04/30/2011 (A-412-201)

1. As indicated in paragraph 3 below, an injunction is in effect for entries which were exported to the United States by Bayerische Motoren Werke AG and were entered, or withdrawn from warehouse, for consumption between 05/01/2010 through 04/30/2011 by BMW of North America LLC. Therefore, for all shipments of ball bearings and parts thereof from the United Kingdom produced and/or exported by Bayerische Motoren Werke AG, entered, or withdrawn from warehouse, for consumption during the period 05/01/2010 through 04/30/2011, and not covered by paragraph 3 below, assess an antidumping liability of 254.25 percent of the entered value.

Bayerische Motoren Werke AG did not have its own case number during the period of review; entries may have been made under A-412-201-000 or other company-specific case numbers.

2. Notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 1 occurred with the publication of the amended final results of administrative review (80 FR 9694, 02/24/2015). The antidumping duty order on ball bearings and parts thereof from the United Kingdom was revoked, effective 09/15/2011 (see message 4100308 dated 04/10/2014).

3. The injunction with court number 15-00052 discussed in message number 5069302, dated 03/10/2015, is applicable to entries which were exported to the United States by Bayerische Motoren Werke AG and were entered, or withdrawn from warehouse, for consumption between 05/01/2010 through 04/30/2011 by BMW of North America LLC. Accordingly, continue to suspend liquidation of such entries until liquidation instructions are issued.

4. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated

antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

5. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

6. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OI:TES.)

7. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party